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October 14, 2016

**BY ECF**

Hon. Cathy Seibel  
United States District Judge  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

Re: *Marrow v. City of Mount Vernon*, 14-cv-5473 (CS)

Dear Honorable Judge Seibel:

I represent the plaintiff in the above-captioned action. I write to request a pre-motion conference for motion to compel the defendants to comply with discovery. On September 9, 2016, the plaintiff served document demands and interrogatories, as well as several deposition notices (for depositions scheduled October 11<sup>th</sup> and 12<sup>th</sup>). To date, the defendants have neither responded to the requests nor made timely objections to them. The three police officers who were noticed for deposition did not appear.

I conferred by phone with Tichina Johnson, Assistant Corporation Counsel Law Department of the City of Mount Vernon on October 11<sup>th</sup>. The conference lasted 13 minutes. Ms. Johnson claimed to have been unaware of the deposition notices, which had been delivered by email as well as first class mail together with the discovery demands, which Ms. Johnson acknowledged having received. Ms. Johnson declined to provide a date certain on which the defendants would respond to discovery. She was unable to confirm any particular date on which the noticed officers might be made available for deposition. I let Ms. Johnson know that if I had not received discovery responses by today, I would have to write to the Court seeking intervention. Today I received an express mail envelope from Ms. Johnson, which contained discovery demands, but no response to any of the plaintiffs demands or interrogatories. Today, I placed a call to Ms. Johnson and left a voice mail message. I called the paralegal assigned to this case and left a voice message. I did not receive a response by close of business. Since I informed Ms. Johnson that I would write to the Court today if I received no discovery responses, the

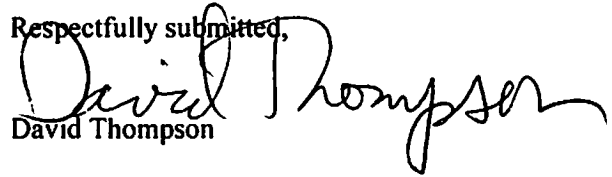
defendants' failure to respond signals that the defendants intend to continue their non-compliance indefinitely.

Because the defendants' failure to comply with discovery is total, it is unnecessary to enter into discussion of particular issues. The relief requested will be an order compelling compliance with all demands, interrogatories, and deposition notices.

For the foregoing reasons, I respectfully request a pre-motion conference to be scheduled on a date most convenient to the Court.

Respectfully submitted,

David Thompson

A handwritten signature in black ink, appearing to read "David Thompson", written over the printed name.